

Senegal (Tier 2 Watch List)

The Government of Senegal does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included collaborating with an international organization to establish an anti-trafficking database and planning the third phase of its program to remove vulnerable children, including trafficking victims, from the streets of major cities. In addition, the government launched an emergency campaign to place vulnerable children living in the street, including forced begging victims, in shelters in response to the COVID-19 pandemic. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government rarely proactively investigated or prosecuted traffickers exploiting children in forced begging and did not take action against officials who refused to investigate such cases. The government only applied adequate prison terms in accordance with the 2005 anti-trafficking law to two convicted traffickers. The government did not identify any adult trafficking victims, and limited understanding of trafficking among government officials persisted. Therefore Senegal was downgraded to Tier 2 Watch List.

PRIORITIZED RECOMMENDATIONS:

Explicitly direct law enforcement and judicial officials to significantly increase efforts to actively investigate and criminally prosecute trafficking offenses following due process, including those who exploit children in forced begging. • Punish convicted traffickers with significant prison terms consistent with the 2005 anti-trafficking law. • Ensure draft legislation and implementing decrees developed to regulate *daaras* (Quranic schools) explicitly prohibit exploitative begging, approve the draft legislation and implementing decrees, and allocate adequate resources, including inspectors to enforce their implementation. • Establish a system to automatically trigger police or judicial investigations when potential trafficking victims are identified, including potential child forced begging victims. • Establish and enforce standard operating procedures to ensure officials, including local administrative officials, regularly inspect *daaras* to ensure they do not force children to beg and meet child protection standards. • Expand efforts to identify and refer to services adult trafficking victims. • Continue allocating sufficient resources and funding to the anti-trafficking task force (CNLTP) and strengthen its ability to coordinate anti-trafficking activities among agencies conducting anti-

trafficking work. • Facilitate training of law enforcement, labor, and social welfare officials to adequately identify trafficking victims, including among vulnerable populations, such as child beggars, Senegalese women traveling abroad for domestic work, and North Korean workers, and investigate cases, refer victims to services, and prevent their penalization. • Develop and establish a framework to regulate overseas labor recruitment to prevent exploitation of Senegalese workers abroad. • Expand workplace regulations to include labor inspections in the informal sector where forced labor occurs. • Develop and implement pre-departure trainings for labor migrants, including sessions on labor rights, labor laws, and methods to access justice and assistance in destination countries and Senegal to prevent exploitation abroad. • In partnership with NGOs, expand access to protective services for trafficking victims outside of Dakar. • Broaden efforts to raise public awareness of trafficking, including child forced begging in *daaras*. • Continue implementing the Systraite database system to Senegal's 14 regions.

PROSECUTION

The government maintained insufficient anti-trafficking law enforcement efforts. Senegal's 2005 Law to Combat Trafficking in Persons and Related Practices and to Protect Victims criminalized sex trafficking and labor trafficking. The law prescribed penalties of five to 10 years' imprisonment and a fine for sex trafficking and labor trafficking—except forced begging—and prescribed lesser penalties of two to five years' imprisonment and a fine for forced begging. These penalties were sufficiently stringent and, with regards to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. While the 2005 anti-trafficking law criminalized forced begging, provisions in the penal code that allowed seeking of alms under certain conditions may have hampered law enforcement officials' ability to distinguish traditional alms-seeking and exploitation through forced begging. During the reporting period, the government held several workshops to review previously drafted amendments to the 2005 anti-trafficking law to establish separate laws for human trafficking and migrant smuggling to reduce conflation of the two crimes.

In data collected from five of Senegal's 14 regions, the government reported investigating at least 12 trafficking cases, prosecuting 17 suspects, and convicting five traffickers, compared with 12 investigations, 12 prosecutions, and six convictions during the previous reporting period, with data from six regions. One of the five convicted traffickers had posed as a Quranic teacher to compel children

to beg; he was convicted under the 2005 anti-trafficking law and received a two-year suspended sentence and 50,000 West African CFA francs (FCFA) (\$86) fine, which was not in compliance with the penalties prescribed in the 2015 anti-trafficking law. Judges sentenced the other four traffickers convicted for sex trafficking to sentences between one month suspended sentence and 10 years' imprisonment; two convicted traffickers were sentenced to a prison term more than one year. This was overall lower than the previous reporting period, when four of six convicted traffickers received prison sentences greater than one year's imprisonment; however, the court sentenced only two of those traffickers to penalties in compliance with those prescribed in the anti-trafficking law in the previous reporting period. The government has persistently applied penalties inconsistent with the 2005 anti-trafficking law to convicted traffickers. Officials did not consistently use the 2005 anti-trafficking law to prosecute alleged traffickers. When officials identified a potential forced begging case, they often issued administrative penalties to the alleged perpetrators instead of criminally investigating and prosecuting the case; during the reporting period, seven alleged child forced begging cases were handled administratively. By not criminally investigating or prosecuting these forced begging cases, the government did not adequately hold traffickers accountable. An NGO reported that between 2017 and 2019 the judiciary dropped or reduced charges or sentences against Quranic teachers and their assistants in at least 17 cases, in part due to public pressure associated with the social influence of Quranic teachers. Despite allegations of government complicity—either by refusing to investigate trafficking offenses or pressuring the judiciary to drop cases—the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

As in past years, the CNLTP co-financed and led a training with international organizations and NGOs on identifying, investigating, and prosecuting human trafficking for 30 magistrates and prosecutors in April 2019. This was a decrease compared with the more than 159 officials CNLTP trained during the previous reporting period. The Ministry of Justice held a four-day training for government officials in December 2019 to prepare for the third phase of “*Le retrait des enfants de la rue*” campaign to remove vulnerable children from the streets. Other government ministries did not report hosting any additional trainings on human trafficking and child protection. Many law enforcement and judicial personnel remained unaware of the provisions of the 2005 law. This lack of awareness,

coupled with limited institutional capacity, inhibited efforts to prosecute and convict traffickers under the law and collect data on such efforts. In October 2019, the government collaborated with an international organization and foreign donor to launch an anti-trafficking database called “Systraite” to collect law enforcement and victim protection data; the government is piloting the system in the regions of Dakar, Saint Louis, Thies, Kedougou, and Tambacounda. The government provided trainings on the database in each region.

PROTECTION

The government decreased already insufficient efforts to identify and provide services to trafficking victims. Law enforcement, immigration, and social services personnel had formal written procedures to proactively identify trafficking victims among high-risk populations. The government, at times in collaboration with NGOs, identified and referred to services 1,358 potential child trafficking victims during the reporting period, including child forced begging victims. The government did not report identifying or referring to services any adult trafficking victims, compared with 1,559 potential child trafficking victims and nine adult trafficking victims identified and referred to services during the previous reporting period. The Ministry of Women, Family, Gender, and Child Protection (MWFGCP) referred 359 children to its shelter at the Ginddi Center during the reporting period. An NGO in Saint Louis identified and cared for an additional 204 child trafficking victims without government support. During the reporting period, the government began planning the third phase of its “*Le retrait des enfants de la rue*” campaign to remove vulnerable children, including forced begging victims, from the street in Dakar, Thies, and Saint Louis following similar operations in Dakar in 2016 and 2018; at the end of the reporting period, the program did not yet occur. However, in March 2020 the government began a separate operation to remove children from the street vulnerable to COVID-19, including forced begging victims, and place them in government and NGO shelters. Compared to past years, there were no reports identifying children who were exploited again in forced begging, nor were any alleged perpetrators reported to be repeat offenders.

In April 2019, the Ministry of Good Governance and Child Protection was incorporated into the new MWFGCP, which was the lead agency for victim protection. The Ginddi Center, under the aegis of the MWFGCP, provided temporary shelter and basic care to both foreign and domestic child victims. The government provided 150 million FCFA (\$257,730) to the Ginddi Center in 2019,

an increase compared with 90.6 million FCFA (\$155,670) in 2018. The center provided meals, shelter, psycho-social care, clothing, medical care, and limited vocational training. The center lacked specialized training for social workers and volunteers, and it only had one volunteer doctor and a staff nurse to provide basic medical treatment. The center also lacked space to accommodate all victims identified, which limited the number of victims authorities could remove from exploitation and how long victims could remain at the center. In order to address the lack of space at the Ginddi Center, the government at times sent some victims to the center for immediate services and then to NGOs or to partner *daaras*—which the government had certified met capacity, hygiene, and security standards and did not engage in forced begging—that provided children with follow-on support until family reunification. The Ministry of Justice operated three shelters (CPAs) for child victims of crime, witnesses, and children in emergency situations, which trafficking victims could access. Several NGOs operated trafficking victim shelters throughout the country. Outside of Dakar, international observers reported NGOs sometimes had to provide critical shelter and trafficking victim services due to a lack of government resources and involvement.

Authorities inconsistently applied the victim referral system, and it was not available in all regions of the country. Authorities referred victims identified along Senegal's borders to an international organization and government center for questioning before referring them to NGOs or government centers for protective services. In Dakar and rural areas, law enforcement, civil society, and community protection groups generally referred children to the government or NGOs for social services and repatriation; however, members were not always aware of the shelters and services available, especially for adults, which at times caused delays in the provision of services. The law provided alternatives to the removal of foreign victims who may face hardship or retribution upon return, including the option to apply for temporary or permanent residency; the government did not report how many victims received this relief during the reporting period. The 2005 anti-trafficking law has provisions for victim protection during prosecution including allowing videotaped testimony; the government did not report using these provisions during the reporting period. Victims could legally obtain restitution; the government did not report requesting restitution during the reporting period. Victims could file civil suits against their traffickers; however, no victims reportedly used this provision during the reporting period, and many victims were unaware of the option.

PREVENTION

The government maintained weak efforts to prevent human trafficking. The government continued implementing the 2018-2020 anti-trafficking national action plan, and it committed to funding the CNLTP for implementation of the plan. The government allocated 16 million FCFA (\$27,490) to the CNLTP in 2019 and committed an additional 60 million FCFA (\$103,090) in 2020, compared with 80 million FCFA (\$137,460) allocated in 2018. Funding for the CNLTP remained insufficient, and it had to seek additional donor funds to support many of its activities. The Ginddi Center continued to operate a hotline for child trafficking in three languages. The hotline received 607 calls during the reporting period, leading to the identification of 421 vulnerable children, 215 of whom were trafficking victims; an unconfirmed number of criminal investigations were initiated as a result of the calls. Staff responded to each call, despite the fact that the Ginddi Center did not have a vehicle, forcing it to rent one each time it followed up on a trafficking report. In collaboration with NGOs, the CNLTP and the Support Unit for the Protection of Children under the MWFGCP organized awareness raising events in November 2019.

The government regulated labor recruiters and brokers but did not report any investigations into fraudulent recruitment during the reporting period. Four local governments continued partnering with an international organization to provide funding and in-kind support to local communities in order to close *daaras* that practiced forced begging, provide food, hygiene, and medical services to children in *daaras* and decrease the incidence of forced begging; three of the local governments passed regulations prohibiting child begging. According to the international organization, these efforts reduced the number of children begging by 80 percent in one municipality and by 25 percent in the other three. The draft bill and implementing decrees to modernize *daaras* remained pending approval by the National Assembly during the reporting period; if passed, the bill would outline requirements that *daaras* must meet in order to be eligible for government subsidies. Furthermore, the draft law and the draft presidential decrees that would operationalize the law specified standards that *daaras* would need to maintain; for the first time, the government would have oversight and authority to approve or deny the opening of new *daaras* and to close *daaras* that do not meet requirements. However, neither the draft law nor any of the implementing decrees explicitly prohibit child forced begging. The CNLTP continued to participate in meetings of

the West Africa Network for the Protection of Children, a sub-regional referral mechanism for vulnerable children, including trafficking victims. The group comprised NGOs and officials from neighboring countries of bodies focused on combating trafficking. The government did not make efforts to reduce the demand for commercial sex. The task force's tourism police forces continued to monitor the resort areas of Saly and Cap Skirring for indicators of child sex tourism and other abuses, although they did not report identifying any cases of child sex tourism.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Senegal, and traffickers exploit victims from Senegal abroad. Forced begging is the most prevalent form of trafficking; some Quranic teachers and men who claim to be Quranic teachers force children to beg in Dakar and other major cities in Senegal. In 2019, an NGO estimated 100,000 children living in residential *daaras* across Senegal are compelled to beg. The same NGO estimated traffickers coerce nearly 30,000 children to beg in Dakar alone. In addition, a 2017 NGO-led study identified more than 14,800 child forced begging victims in Saint Louis and reported 187 of the city's 197 *daaras* send children to beg for at least part of the day. Traffickers fraudulently recruit victims through the pretext of traditional cultural practices called *confiage* whereby parents send children to live with family or acquaintances in order for the child to have better access to education and economic opportunities; traffickers then exploit children in forced labor and sex trafficking through this practice. Traffickers subject Senegalese boys and girls to sex trafficking and forced labor in domestic servitude and gold mines. Internal trafficking is more prevalent than transnational trafficking, although traffickers exploit boys from The Gambia, Guinea, Guinea-Bissau, and Mali in forced begging in Senegalese cities, as well as in forced labor in artisanal gold mines in Senegal.

Traffickers exploit Senegalese women and girls in domestic servitude in neighboring countries, Europe, and the Middle East, including Egypt. Reports indicate traffickers exploit most Senegalese sex trafficking victims within Senegal, particularly in the southeastern gold mining region of Kedougou. Traffickers also subject Nigerians, Guineans, Malians, and Burkinabes to forced labor and sex trafficking in mining communities. The government continued to allow North Korean companies to operate in Senegal and bring at least 31 North Korean

workers to work in construction and other sectors; North Korean workers in Senegal may have been forced to work by the North Korean government. In 2018, authorities identified Ukrainian and Chinese women exploited in sex trafficking in bars and nightclubs. West African women and girls are subjected to domestic servitude and sex trafficking in Senegal, including for child sex tourism, by tourists from France, Belgium, Germany, and other countries. Child sex tourism primarily occurs in the cities of Dakar and Saint Louis and, to a lesser extent, in Cap Skiring and La Petit Cote, traditional tourist areas, and increasingly in private residences. In 2018, a government and international organization report alleged some Saudi diplomats in Senegal are complicit in fraudulently recruiting and exploiting some Senegalese women in domestic servitude in Saudi Arabia. In 2017, an international organization identified more than 1,100 Senegalese migrants in Libya who were vulnerable to trafficking. The majority of migrants reported traveling through Mali, Burkina Faso, and Niger to reach Libya with the intent to reach Europe.